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HOUSE BILL 146

**48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

INTRODUCED BY

Mary Helen Garcia

AN ACT

RELATING TO LOCAL SCHOOL BOARDS; LIMITING SCHOOL BOARD RECALL  
PETITION SIGNATURES TO THOSE REGISTERED VOTERS WHO RESIDE IN  
THE MEMBER'S SCHOOL BOARD DISTRICT; PROVIDING THE SAME  
LIMITATION FOR RECALL ELECTIONS; LIMITING THE NUMBER OF TIMES A  
RECALL PETITION MAY BE SUBMITTED AGAINST THE SAME LOCAL SCHOOL  
BOARD MEMBER.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 22-7-1 NMSA 1978 (being Laws 1977,  
Chapter 308, Section 1) is amended to read:

"22-7-1. SHORT TITLE.--~~[This act]~~ Chapter 22, Article 7  
NMSA 1978 may be cited as the "Local School Board Member Recall  
Act"."

Section 2. Section 22-7-6 NMSA 1978 (being Laws 1977,  
Chapter 308, Section 6, as amended) is amended to read:

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1 "22-7-6. PETITION.--

2 A. A separate petition shall be initiated for each  
3 named member.

4 B. The petition shall be on eight and one-half inch  
5 by fourteen inch paper.

6 C. All information written on the petition form  
7 shall be in compliance with the federal Voting Rights Act of  
8 1965, as amended.

9 D. Each face sheet of a petition shall contain the  
10 following:

11 (1) a space for the initiation date;  
12 (2) a notice at the top of the sheet stating:  
13 "Recall is a local decision to be funded by local money.  
14 Additional state funds will not be advanced to support  
15 recall.";

16 (3) a space for the name of the named member;

17 (4) a space for the name of the person, group  
18 or organization initiating the petition;

19 (5) a space in which to list the specific  
20 charges in support of the recall of the named member that  
21 constitute malfeasance in office, misfeasance in office or  
22 violation of oath of office; and

23 (6) a notice stating "Signatures are valid for  
24 a maximum of one hundred ten days from date of initiation.".

25 E. The remaining portion of the face sheet shall be

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1 substantially in the following form:

2 "I, the undersigned, a registered voter in the county of  
3 \_\_\_\_\_, New Mexico, and a resident of the  
4 \_\_\_\_\_ school district and a resident of the same local  
5 school board district as the named member (if applicable),  
6 hereby petition for the recall of the local school board member  
7 named on the face sheet of this petition.

8 1. \_\_\_\_\_  
9 Usual Signature Name Printed Address As City Date  
10 As Registered Registered

11 2. \_\_\_\_\_".  
12 Usual Signature Name Printed Address As City Date  
13 As Registered Registered

14 F. One completed face sheet or duplicate [~~thereof~~]  
15 of the face sheet shall be the first page of all circulated  
16 petitions.

17 G. Each subsequent page of the petition shall have  
18 approximately twenty-five lines numbered one to twenty-five and  
19 shall be substantially in the form as provided in Subsection E  
20 of this section.

21 H. A petition for recall of a named member shall  
22 not be submitted more than once during the term for which the  
23 member is elected."

24 Section 3. Section 22-7-7 NMSA 1978 (being Laws 1977,  
25 Chapter 308, Section 7, as amended) is amended to read:

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1 "22-7-7. AFFIDAVIT WITH PETITION--PENALTY.--

2 A. When submitted to the county clerk, each  
3 petition shall have a notarized affidavit attached. The  
4 affidavit shall state that the canvasser is a registered voter  
5 of the school district and that the canvasser circulated that  
6 particular petition and witnessed each signer write [~~his~~] the  
7 signer's signature and any other information recorded on the  
8 petition.

9 B. According to the best information and belief of  
10 the canvasser, the canvasser shall [~~insure~~] ensure the  
11 following:

12 (1) each signature is the signature of the  
13 person whose name it purports to be;

14 (2) each signer is a registered voter of the  
15 county and school district, and local school board district of  
16 the named member, if applicable, listed on the petition;

17 (3) each signature was obtained on or after  
18 the date of initiation; and

19 (4) each signer had an opportunity to read the  
20 information on the completed face sheet or an exact duplicate  
21 thereof.

22 C. Any knowingly false statement made in the  
23 affidavit constitutes a fourth degree felony."

24 Section 4. Section 22-7-10 NMSA 1978 (being Laws 1977,  
25 Chapter 308, Section 10, as amended) is amended to read:

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1 "22-7-10. SIGNATURES.--

2 A. No signature may be signed on the petition prior  
3 to the initiation date.

4 B. Signatures are valid for a maximum of one  
5 hundred ten calendar days from the date of initiation.

6 C. Each signer of a recall petition shall sign  
7 [~~but~~] only one petition unless more than one member is a named  
8 member and the school district does not provide for single-  
9 member districts, and, in that case not more than the number of  
10 recall petitions equal to the number of named members shall be  
11 signed.

12 D. The signature shall not be counted unless the  
13 entire line is filled in full and is upon the form prescribed  
14 by the Local School Board Member Recall Act.

15 E. A signature shall be counted on a recall  
16 petition unless there is evidence presented that the person  
17 signing:

18 (1) is not a registered voter of the county  
19 [~~and of~~] the school district, and the local school board  
20 district of the named member, if applicable, listed on the face  
21 sheet of the petition;

22 (2) has signed more than one recall petition  
23 for one named member or has signed one petition more than once;  
24 or

25 (3) is not the person whose name appears on

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1 the recall petition.

2 F. The minimum number of verified signatures needed  
3 to validate a petition is thirty-three and one-third percent of  
4 the number of registered voters who voted for the school board  
5 position of the named member at the last preceding school board  
6 election."

7 Section 5. Section 22-7-13 NMSA 1978 (being Laws 1977,  
8 Chapter 308, Section 13, as amended) is amended to read:

9 "22-7-13. SPECIAL RECALL ELECTION.--

10 A. The date of the special recall election shall be  
11 set no later than ninety days after the date of the  
12 determination by the county clerk.

13 B. The question to be submitted to the voters at  
14 the special recall election shall be whether [~~or not~~] the named  
15 member shall be recalled.

16 C. Registered voters of the county and school  
17 district may vote on the question to recall a named member as  
18 follows:

19 (1) for any named member if the local school  
20 board is not districted; or

21 (2) for the named member in whose local school  
22 board district the registered voter resides.

23 [~~C.~~] D. A special recall election may be held in  
24 conjunction with a regular or a special school district  
25 election.

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1           ~~[D-]~~ E. Whenever a special recall election is  
2 called, the county clerk shall give public notice of the  
3 special recall election by publishing information regarding the  
4 election once each week for four consecutive weeks. The first  
5 publication of the information shall be made between forty-five  
6 and sixty days before the date of the special recall election.  
7 Information regarding the election shall be in compliance with  
8 the federal Voting Rights Act of 1965, as amended, and shall  
9 include the date when the special recall election will be held,  
10 the question to be submitted to the voters, a brief description  
11 of the boundaries of each precinct, the location of each  
12 polling place, the hours each polling place will be open and  
13 the date and time of the closing of the registration books by  
14 the county clerk as required by law.

15           ~~[E-]~~ F. The ballot shall be in compliance with the  
16 federal Voting Rights Act of 1965, as amended, and shall  
17 present the voter the choice of voting "for the removal of the  
18 named member" or "against the removal of the named member".

19           ~~[F-]~~ G. All special recall elections shall be held  
20 in compliance with the federal Voting Rights Act of 1965, as  
21 amended.

22           ~~[G-]~~ H. Except as otherwise provided in the Local  
23 School Board Member Recall Act, special recall elections in a  
24 school district shall be conducted as provided in the Election  
25 Code."

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